

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-----------------------------|---|------------------------|
| RAYMOND SCOTT, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. 4:04-CV-0750 (CEJ) |
| |) | |
| JAMES PURKETT, ¹ |) | |
| |) | |
| Respondent. |) | |

ORDER

This habeas corpus action is before the Court upon the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III, to whom the matter was referred pursuant to 28 U.S.C. § 636(b). On June 6, 2007, Judge Mummert issued a Report and Recommendation, recommending that the petition of Raymond Scott for a writ of habeas corpus under 28 U.S.C. § 2254 be denied. No objections to the Magistrate Judge's Report and Recommendation were filed, and the time for doing so has expired.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Thomas C. Mummert, III [#11] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Raymond Scott for

¹ The current Superintendent of the Missouri Eastern Reception, Diagnostic and Correctional Center is James Purkett. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, James Purkett should be substituted, therefore, for Superintendent Larry Rowley as Defendant in this suit.

habeas corpus relief [#1] is **denied**.

IT IS FURTHER ORDERED that petitioner has failed to make a substantial showing of the denial of a constitutional right and the Court will not issue a certificate of appealability. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997).

A separate judgment in accordance with this order will be entered this same date.



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2007.